IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 25 of 2006

KALYAN SINGH
V/S
U.I.T., JODHPUR

Mr. SUDHEER SHARMA, for the appellant / petitioner

Date of Order : 3.7.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant. Perused the judgments of the learned Courts below.

Learned counsel for the appellant submitted that the learned Lower Appellate Court has not decided the application under Order 41 Rule 27 CPC. Learned counsel showed me the documents, which were sought to be produced under Order 41 Rule 27 CPC. After perusal of documents, it does transpire that the documents are clearly contrary to the version deposed by the appellant himself while in the witness-box. I am not inclined to make any observations at this stage, as to how the appellant has manipulated those documents, but in any case, it cannot be said that on account of non-disposal of the application under Order 41 Rule 27, the appellant has suffered any prejudice.

The findings recorded by the learned Courts below are pure findings of fact. Admittedly, the appellant was not in possession of the property since before 1981 on the

basis of which the Patta is said to have been obtained. Thus, the learned Courts below have rightly found the appellant to be not entitled to any relief.

In my view, the appeal thus, does not involve any substantial question of law. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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